

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIRTAMOVE, CORP., §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 2:24-CV-00093-JRG
HEWLETT PACKARD ENTERPRISE § (LEAD CASE)
COMPANY, §
§
Defendant. §

VIRTAMOVE, CORP., §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 2:24-CV-00064-JRG
INTERNATIONAL BUSINESS § (MEMBER CASE)
MACHINES CORP., §
§
Defendant. §

ORDER

Before the Court is the Motion for Issuance of a Letter of Request to Virtuozzo International GMBH in the Swiss Confederation (the “Motion”) filed by Defendant International Business Machines Corp. (“IBM”). (Dkt. No. 131.) In the Motion, IBM moves, pursuant to the Hague Convention, for the issuance of a Letter of Request for International Judicial Assistance directed to the Appropriate Judicial Authority of the Swiss Confederation. (*Id.* at 1.) IBM notes that the purpose of this request is to obtain documents and testimony from Virtuozzo International GmbH, located in Switzerland. (*Id.*) IBM also represents that it has retained a translator to translate the Letter of Request for International Judicial Assistance and all supporting documents to German upon receipt of the signed copies of said documents from the Clerk of the Court. (*Id.* at 4.)

Having considered the Motion, and noting that it is unopposed, the Court finds that it should be and hereby is **GRANTED**. The Court **APPROVES** the proposed Letters Rogatory, which are attached to the Motion as Exhibit 1, Exhibit 2, and Exhibit 3. (Dkt. Nos. 131-1; 131-2; 131-3.) Accordingly, the Court will execute the Letters Rogatory with original signatures, to which the Clerk of the Court shall affix original seals.

It is further **OREDED** that IBM's counsel shall arrange receipt of the materials from the Court by contacting the Clerk's Office and to deliver the issued Letter of Request, along with certified translations, as required, to the proper authority in Switzerland. IBM's counsel is further **ORDERED** to ensure that all material designated under this Court's Stipulated Protective Order (Dkt. 60) remains confidential when submitted to the proper authority in Switzerland.

So ORDERED and SIGNED this 14th day of February, 2025.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE